

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

*In Re: Coloplast Corp.,
Pelvic Support System Products Liability Litigation*
MDL No. 2387
Civil Action No. 2:14-cv-10162

SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2387 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Rosemary Caddy

2. Plaintiff Spouse

N/A

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

N/A

4. State of Residence

California

5. District Court and Division in which venue would be proper absent direct filing

Southern District of California, San Diego Division

6. Defendants (Check Defendants against whom Complaint is made):

☐ A. Mentor Worldwide LLC

- ☒ B. Coloplast Corp.
- ☐ C. American Medical Systems, Inc. ("AMS")
- ☒ D. Ethicon, Inc.
- ☐ E. Ethicon, LLC
- ☒ F. Johnson & Johnson
- ☐ G. Boston Scientific Corporation
- ☐ H. C. R. Bard, Inc. ("Bard")
- ☐ I. Sofradim Production SAS ("Sofradim")
- ☐ J. Tissue Science Laboratories Limited ("TSL")
- ☐ K. Cook Incorporated
- ☐ L. Cook Biotech, Inc.
- ☐ M. Cook Medical, Inc.

7. Basis of Jurisdiction

- ☒ Diversity of Citizenship
- ☐ Other: _____

A. Paragraphs in First Amended Master Complaint upon which venue and jurisdiction

lie:

Paragraphs 20, 21 and 22

B. Other allegations of jurisdiction and venue

Pursuant to 28 U.S.C. Sec. 1407, the Judicial Panel on Multi-District Litigation created
MDL 2387 to be presided over by the Hon. Joseph Goodwin of the Southern District
of West Virginia. This matter properly falls under the jurisdiction of MDL 2387.

8. Defendants' products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☐ A. T-Sling-Universal Polypropylene Sling;
 - ☐ B. Aris-Transobturator Sling System;
 - ☐ C. Supris-Suprapubic Sling System;
 - ☐ D. Novasilk-Synthetic Flat Mesh;
 - ☐ E. Suspend-Tutoplast Processed Fascia Lata;
 - ☐ F. Exair-Prolapse Repair System;
 - ☐ G. Axis-Tutoplast Processed Dermis;
 - ☒ H. Restorelle;
 - ☐ I. Smartmesh;
 - ☐ J. Omnisure;
 - ☐ K. Minitape;
 - ☐ L. Coloplast Mesh Product(s), specific product name(s) unknown at present;
 - ☐ M. Non-Coloplast Mesh Product(s) known as _____; and/or
 - ☒ N. Other: Ethicon TVT-R
-

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- ☐ A. T-Sling-Universal Polypropylene Sling;

- ☐ B. Aris-Transobturator Sling System;
 - ☐ C. Supris-Suprapubic Sling System;
 - ☐ D. Novasilk-Synthetic Flat Mesh;
 - ☐ E. Suspend-Tutoplast Processed Fascia Lata;
 - ☐ F. Exair-Prolapse Repair System;
 - ☐ G. Axis-Tutoplast Processed Dermis;
 - ☒ H. Restorelle;
 - ☐ I. Smartmesh;
 - ☐ J. Omnisure;
 - ☐ K. Minitape;
 - ☐ L. Coloplast Mesh Product(s), specific product name(s) unknown at present;
 - ☐ M. Non-Coloplast Mesh Product(s) known as _____;
 - ☒ N. Other: Ethicon TVT-R
-

10. Date of Implantation as to Each Product

February 7, 2011 (both products)

11. Hospital(s) where Plaintiff was implanted (including City and State)

UCSD Hospital, San Diego, CA

12. Implanting Surgeon(s)

Charles W. Nager, MD

13. Counts in the Master Complaint brought by Plaintiff(s)

- ☒ Count I - Negligence
- ☒ Count II - Strict Liability – Design Defect
- ☒ Count III - Strict Liability – Manufacturing Defect
- ☒ Count IV - Strict Liability – Failure to Warn
- ☒ Count V - Strict Liability – Defective Product
- ☒ Count VI - Breach of Express Warranty
- ☒ Count VII - Breach of Implied Warranty
- ☒ Count VIII - Fraudulent Concealment
- ☐ Count IX - Constructive Fraud
- ☐ Count X - Discovery Rule, Tolling and Fraudulent Concealment
- ☒ Count XI - Negligent Misrepresentation
- ☒ Count XII - Negligent Infliction of Emotional Distress
- ☒ Count XIII - Violation of Consumer Protection Laws
- ☐ Count XIV - Gross Negligence
- ☒ Count XV - Unjust Enrichment
- ☐ Count XVI - (By the Spouse) – Loss of Consortium
- ☒ Count XVII - Punitive Damages
- ☐ Other _____ (please state the facts supporting this Count in the space, immediately below)

s/ William J. Doyle II

Attorney(s) for Plaintiff

Address, phone number, email address and bar information:

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